

### **REMARKS**

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

In the present Office Action, the Examiner made the restriction Final. As such, Claims 13-17, 20-21, and 23-28 have been examined on merits.

Furthermore, Claims 13-17, 20 and 23-28 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the “derivatives” of the compounds of the above-identified Claims are not defined in the instant specification so as to know the structures of the compounds that are included and/or excluded by the term.

In response, applicants submit that it is well known in the chemistry field that the term “derivative” refers to those analog compounds which share a same core structure and have different substituent groups on said core structure. In the instant application, a person skilled in the art would recognize that “pyrrolo-pyrazole or pyrazolo-azepine derivative” means analog compounds which share the core structure of pyrrolo-pyrazole or pyrazolo-azepine but have varied substituent groups on the core structure. Moreover, formula (I) of Claim 13 clearly defines the core structure as pyrrolo-pyrazole or pyrazolo-azepine, and also defines the scope of each substituent group on said core structure. Therefore, applicants submit that the instant specification meets the written description requirement since the structures of the compounds that are included and/or excluded by the term are clearly defined. As such, reconsideration and withdrawal of the instant rejection is respectfully requested.

Furthermore, Claims 13-17, 20 and 23-28 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the same reasons set forth above under 35 U.S.C. §112, first paragraph.

In response, applicants submit that the above remarks concerning the rejection on the ground of 35 U.S.C. §112, first paragraph, apply equally to this rejection, and thus are incorporated herein. As such, applicants submit that the term “pyrrolo-pyrazole or pyrazolo-azepine derivative” does not render the above-identified claims indefinite since said term clearly defines the metes and bounds of the present invention. Therefore, reconsideration and withdrawal of the instant rejection are respectfully requested.

Claims 20, 21 and 23 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. Specifically, the Examiner avers that although a person skilled in the art is enabled with respect to the selection of a solid support, such person is not enabled with respect to supporting compounds of the invention on the solid support. More specifically, the Examiner alleges that the instant specification provides only the types of the solid support, but no description of how to make the compounds with a solid support attached. The Examiner further asserts that it would require undue experimentation to determine the starting materials, solvents, temperatures and reaction times to make the compounds with a solid support attached.

In response, applicants have amended claims in a manner as indicated. Specifically, applicants have incorporated the subject matter recited in Claim 21, the embodiments of the solid support, into Claim 20, and have deleted Claim 21.

In view of the above-described amendment, applicants submit that a person skilled in the art is fully enabled to support the compounds of the present invention onto the solid support as claimed. Specifically, applicants submit that the type of solid support is disclosed in

amended Claim 20. Moreover, the synthetic scheme is illustrated at Page 15 wherein relevant synthetic steps Pa, P, b1, b2 and c are presented. Furthermore, the reagents, solvents, reaction temperature, and reaction time for steps P and Pa are disclosed at Pages 22, line 26 to Page 23, line 9. The same information for steps b1, b2 and c is disclosed at Page 20, line 15, to Page 22, line 25. Furthermore, embodiments of making the compounds with a solid support are described in Examples 13-18, and Example 19 is illustrated as the final conversion step (see Page 52, line 3 to Page 59, line 24). Moreover, the solid phase chemistry employed by the present invention is conventionally known and would not require any undue examination. In view of the above disclosure of the instant specification, applicants submit that a person skilled in the art would be fully enabled to support the claimed compounds onto the solid support.

Since the above amendments to the claims do not introduce any new matter into the application, entry thereof is respectfully requested. Moreover, since the amendments to Claims 20-21 obviate the §112, first paragraph rejection, reconsideration and withdrawal of the instant rejection are respectfully requested.

Furthermore, Claims 24 and 26 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite since a claim referring to the specification is improper. Specifically, the Examiner alleges that tables I-III, which is recited in the phrase “as per coding system of table I-III” of Claim 24, are not defined in the instant claims.

In response, applicants have cancelled Claims 24 and 26. Therefore, withdrawal of the instant rejection are respectfully requested.

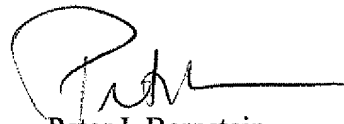
Furthermore, Claims 13-17, 20 and 23-28 are objected to as containing non-elected subject matter. The Examiner requires applicants to submit a set of amended claims wherein the non-elected subject matter is deleted.

In response, applicants have amended claims in a manner as indicated in the above. Specifically, applicants have withdrawn Claims 1-12, 18-19, 22, and 29. Moreover, applicants have amended Claims 13-15 and 20 in accordance to the restriction requirement. Furthermore, applicants have deleted Claims 16 and 21 without prejudice. Since the above-described amendments are in accordance to the restriction requirement, reconsideration and withdrawal of the instant rejection are respectfully requested.

Furthermore, it is to be noted that applicants have not abandoned the deleted subject matter and reserve the right to file a continuation application directed thereto. In addition, applicants have traversed the restriction requirement in the prior response, therefore applicants reserve the right to file divisional applications to cover the non-elected subject matter.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal stroke extending to the right.

Peter I. Bernstein  
Registration No. 43,497

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
PIB/AZ:dg